United Nations A/AC.109/2018/4

General Assembly

Distr.: General
24 January 2018

Original: English

**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# British Virgin Islands

**Working paper prepared by the Secretariat**

## Contents


| | | Page |
|---|---|---|
| | The Territory at a glance | 3 |
| I. | Constitutional, political and legal issues | 4 |
| II. | Budget | 5 |
| III. | Economic conditions | 5 |
| | A. General | 5 |
| | B. Financial services | 6 |
| | C. Tourism | 6 |
| | D. Agriculture and fisheries | 7 |
| | E. Communications and infrastructure | 7 |
| IV. | Social conditions | 7 |
| | A. Labour and immigration | 7 |
| | B. Education | 8 |
| | C. Health | 9 |
| | D. Crime and public safety | 10 |
| | E. Human rights | 10 |


*Note:* The information contained in the present paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 18 December 2017. Further details are contained in previous working papers available from www.un.org/en/decolonization/workingpapers.shtml.

18-01146 (E) 140218

Please recycle

V. Environment

VI. Relations with international organizations and partners

VII. Future status of the Territory

A. Position of the territorial Government

B. Position of the administering Power

VIII. Action taken by the General Assembly

**The Territory at a glance**

*Territory*: The British Virgin Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

*Representative of administering Power*: Governor Augustus (Gus) Jaspert (August 2017).

*Geography*: Located approximately 100 km east of Puerto Rico and 25 km from the United States Virgin Islands, the Territory comprises a group of some 60 islands, islets and cays that form an archipelago with the United States Virgin Islands. Twenty of the islands are inhabited. The major islands are Tortola, Virgin Gorda, Anegada and Jost Van Dyke.

*Land area*: 153 km$^2$.

*Exclusive economic zone*: 80,117 km$^2$.

*Population*: 28,200 (2010 census), of which 39 per cent are citizens, or "belongers". The great majority of "non-belongers" hail from countries in the Caribbean region, North America and Europe.

*Life expectancy at birth*: 76.5 years (men: 72.9 years, women: 80.8 years (2015 estimate)).

*Language*: English.

*Capital*: Road Town, located on the largest island, Tortola.

*Head of territorial Government*: Premier Daniel Orlando Smith.

*Main political parties*: National Democratic Party; Virgin Islands Party.

*Elections*: Most recent: 8 June 2015; next: due by the end of September 2019.

*Legislature*: 15-member unicameral House of Assembly.

*Gross domestic product per capita*: $31,300 (2013 estimate).

*Economy*: Financial services and tourism.

*Main trading partners*: The United States of America, the United Kingdom and the States members of the Caribbean Community.

*Unemployment rate*: 2.8 per cent (2014).

*Monetary unit*: United States dollar.

*Brief history*: The earliest known inhabitants of the Territory were the Arawaks and the Caribs, indigenous peoples of the region. The Dutch established the first permanent European settlement in 1648. British planters took control of the islands in 1666, and the Territory attained the status of a British colony.

# I. Constitutional, political and legal issues

1. In accordance with the Virgin Islands Constitution Order 2007, the British Crown appoints a governor whose responsibilities include defence, internal security, external affairs, the terms and conditions of service for persons in the public service and the administration of the courts. In some areas of external affairs that relate to certain matters falling within ministerial portfolios, the Constitution provides for the territorial Government to have delegated responsibility. The United Kingdom of Great Britain and Northern Ireland has reserved powers to make laws for the peace, order and good government of the British Virgin Islands. In terms of external relations, the territorial Government is entrusted to negotiate treaties in specific areas, such as matters related to the offshore financial services industry.

2. The 2007 Constitution provided for a more formally structured cabinet-style Government for the executive branch. The Cabinet consists of the Governor; the Premier, appointed by the Governor from among the locally elected members of the House of Assembly; four other Ministers, appointed by the Governor on the advice of the Premier; and one ex officio member, namely, the Attorney General. The Governor presides over the Cabinet but does not have a voting right. The agenda is agreed upon by the Cabinet Steering Committee, consisting of the Governor, the Premier and the Cabinet Secretary. The House of Assembly consists of a Speaker, the Attorney General (ex officio) and 13 elected members — 9 from one-member electoral districts and 4 representing the Territory at large.

3. General elections are constitutionally mandated to be held at least once every four years. Candidates are elected on the basis of a simple majority. Persons voting must be 18 years of age or over and have "belonger" status. Belonger status includes the right to work without a permit and the right to vote. In practice, a person must reside continuously in the Territory for 20 years before he or she may apply for permanent residence and, subsequently, belonger status. In the general election held on 8 June 2015, the incumbent National Democratic Party led by Premier Daniel Orlando Smith again won a majority, 11 of 13 seats, whereas the Virgin Islands Party won the remaining seats.

4. The law of the British Virgin Islands comprises the common law of England and legislation that is enacted either by the territorial legislature or by the United Kingdom on behalf of the Territory. The judiciary is administered by the Saint Lucia-based Eastern Caribbean Supreme Court, which consists of the High Court of Justice and the Court of Appeal. There is a magistrates' court, which hears prescribed civil and criminal cases, a juvenile court and a court of summary jurisdiction. There are three resident High Court judges and a visiting Court of Appeal, which comprises the Chief Justice and two judges of appeal and sits twice a year in the Territory. The Privy Council of the United Kingdom is the final court of appeal. The British Overseas Territories Act 2002 provides for the granting of British citizenship to "British Overseas Territory citizens".

5. At the Pacific regional seminar held in Quito from 30 May to 1 June 2012, the representative of the British Virgin Islands stated that the Territory's position was to maintain its current relationship with the administering Power, built on mutual respect and a mature partnership, as the Territory continued to grow. Furthermore, speaking at the Caribbean regional seminar held in Quito from 28 to 30 May 2013, the representative of the British Virgin Islands stated that, in his view, the Special Political and Decolonization Committee (Fourth Committee) should set specific

achievable goals, taking into account the particularities of each territory, in order to further advance the decolonization process in all the territories.

## II. Budget

6. The fiscal year of the Government of the British Virgin Islands runs from January to December. According to information provided by the administering Power, the estimated expenditure of the Territory for 2016 amounted to approximately $314 million, with an estimated revenue of about $328 million. Owing to the large economic impact of Hurricane Irma and Hurricane Maria, the fiscal position of the territorial Government is set to deteriorate, with 2018 government revenues projected to fall 40.4 per cent below original (pre-disaster) estimates. Alongside infrastructure renewal projects, the administering Power is committed to supporting the territorial Government in restoring its finances in line with the Protocols for Effective Financial Management.

## III. Economic conditions

### A. General

7. The two main pillars of the economy of the Territory are tourism and offshore financial services. According to the territorial Government, nominal gross domestic product (GDP) for 2016 was $1,008.67 million, which was 0.11 per cent below 2015 figures. During the period from 7 August to 19 September 2017, the British Virgin Islands were affected by an unprecedented flood event and two (previously rare) category 5 hurricanes — Hurricane Irma and Hurricane Maria. According to the administering Power, at the time of writing, damage across the Territory was estimated at $3.6 billion, an amount nearly 3.5 times greater than the Territory's nominal GDP in 2016. According to estimates from the territorial Government, the Territory's nominal GDP is forecast to be 37 per cent lower in 2018 than in 2016 and is set to contract by 15.18 per cent in 2017 compared with 2016. As the largest sector in terms of both GDP share and employment, the tourism sector has been the sector most severely impacted, followed by the financial services and Government activities sectors. Once economic losses are taken into account, the cost to the Territory may be significantly greater than previously estimated.

8. In a statement delivered at the joint Caribbean Community-United Nations high-level pledging conference held in New York on 20 and 21 November 2017, the Premier and Minister of Finance shared his vision for rebuilding the Territory in the areas of climate resilience infrastructure, energy, information and communications technology, preservation of the environment, accessibility and social investment. He pointed out that the Territory was not eligible for overseas development assistance under the rules of the Organisation for Economic Cooperation and Development and appealed for assistance to support the Territory's plans to rebuild the British Virgin Islands.

9. A consultation period from 20 December 2017 to 20 January 2018 was launched by the territorial Government on the recovery and development of the British Virgin Islands, seeking the views of the general public on the Government's proposals for the recovery of the Territory in the short, medium and long term. The consultation document sets out the sectors and priority actions and the proposals for a governance framework to manage the recovery and the creation of a new agency to support the

implementation of recovery plans. The restoration will focus on the following areas: human and social services; infrastructure; business and the economy; natural resources and climate change; and governance.

## B. Financial services

10. In 2015, financial services constituted approximately two thirds of the overall economic activity in the Territory. However, revenue from financial services in 2015, stood at $175 million, down from the previous year. For the first time, in 2015, the number of company incorporations fell, decreasing by 9.6 per cent in comparison with 2014.

11. In the first six months of 2017, 16,316 companies were incorporated in the British Virgin Islands, compared with 16,223 companies incorporated during the same period in 2016.

12. In April 2016, the British Virgin Islands concluded a bilateral arrangement with the United Kingdom on the reciprocal exchange of beneficial ownership information. The arrangement came into effect in June 2017 and allows law enforcement authorities to have near real-time access to beneficial ownership information on corporate and legal entities incorporated in the respective jurisdictions.

13. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, held in London on 28 and 29 November 2017, the overseas territories and the United Kingdom of Great Britain and Northern Ireland welcomed the progress made by the overseas territories with financial centres in implementing the arrangements set out in the exchange of notes on law enforcement exchange of beneficial ownership information, including establishing new and secure systems for the collection, exchange and use of beneficial ownership data, where they did not already exist. The Joint Ministerial Council committed itself to reviewing the effectiveness of the arrangements six months prior to their implementation deadline. It welcomed the cooperation of the overseas territories in international efforts to promote tax transparency and tackle financial crime and the constructive engagement of the overseas territories with the Code of Conduct Group (Business Taxation) of the European Union and at the first meeting of the Global Forum on Asset Recovery. The Joint Ministerial Council reiterated its commitment to showing leadership in tackling corruption and committed itself to prioritizing further work to enable the timely extension to the territories of the application of the United Nations Convention against Corruption, in particular when territories have requested such an extension, and to set a clear path for that process, building on the meeting held during the seventh session of the Conference of the States Parties to the Convention, held in Vienna from 6 to 10 November 2017.

## C. Tourism

14. According to statistics from the territorial Government, in 2016, a total of 1,124,380 tourist arrivals was recorded, including 407,764 overnight visitors and 699,105 cruise ship visitors.

15. On 13 November 2017, on the occasion of the second session of the Third House of Assembly of the British Virgin Islands, the Premier made a statement regarding the state of the Territory's tourism industry in the aftermath of Hurricane Irma and Hurricane Maria in September 2017. The Premier acknowledged that the economic

recovery of the territory was his Government's priority and underlined the extent of the damage. The thriving tourism sector, which had only recently recovered from the 2008 global financial crisis, was the sector most heavily affected by those natural disasters. In particular, the Premier highlighted the impact of the hurricanes on: (a) the yachting subsector, which he attributed primarily to an ineffective storage system; and (b) the resort and hotel subsectors on islands such as Virgin Gorda.

### D. Agriculture and fisheries

16. According to the administering Power, agriculture and fishing accounted for approximately 1.45 per cent of the Territory's GDP in 2014. Most food requirements are met through imports. Approximately 800 ha of land are cultivated and another 4,000 ha are devoted to pasture. The main crops are fruits and vegetables, produced for both local consumption and export. The United States Virgin Islands is the main importer of the agricultural and fishing products of the British Virgin Islands.

17. The Territory's Fisheries Act of 1997 and Fisheries Regulations of 2003 govern small-scale commercial and recreational fisheries, which serve mainly the local market.

### E. Communications and infrastructure

18. The British Virgin Islands has more than 200 km of surfaced roads. According to the administering Power, Hurricane Irma and Hurricane Maria caused significant damage to those roads and the cost to rebuild will be significant.

19. There are three international airports, including the main international airport, Terrance B. Lettsome International Airport, located on Beef Island. Direct shipping services operate from the Netherlands, the United Kingdom and the United States. A deep-water harbour is located in Road Town. A regular ferry service links Tortola with some of the other islands in the Territory and with the United States Virgin Islands.

20. The extension of the cruise pier in Tortola, along with landside development, which had commenced in 2014, was completed in early 2016 and commissioned for service in March 2016.

21. Physical planning in the British Virgin Islands is governed by the Physical Planning Act of 2004, under which all development in the Territory must be approved by the Physical Planning Authority.

22. Broadband telecommunications, including Internet service, is available throughout the Territory. There are three major service providers, which are governed by a telecommunications regulatory regime established in 2006.

## IV. Social conditions

### A. Labour and immigration

23. According to statistics provided by the administering Power, in 2015, the employed population of the Territory was 19,657 persons, more than 60 per cent of whom were foreign workers. A majority of the employment is on the islands of Tortola and Virgin Gorda, sharing 85.1 and 10.8 per cent of the total, respectively.

24. Prior to Hurricane Irma and Hurricane Maria, the main employers were the territorial Government (21.3 per cent), followed by hotels and restaurants (16.8 per cent) and real estate, renting and business activity (16.3 per cent).

25. According to the administering Power, the total unemployment rate was 2.8 per cent in 2015, which has remained constant since 2010. The effects of Hurricane Irma and Hurricane Maria on unemployment are unknown at this stage. The Government's Youth Employment Services initiative remains in operation, and efforts to register unemployed young people and provide basic job training and preparation skills through this initiative are ongoing.

26. In November 2014, the 17-member Minimum Wage Advisory Committee was formed on the basis of its approval by the territorial Government on 19 September 2014 in order to consider the effects of raising the minimum wage, which had remained at $4 per hour since 1999. The Committee recommended an increase in the minimum wage to $6 per hour in its report dated 21 July 2015. The report was presented in the House of Assembly on 2 November 2015. Effective 1 October 2016, the minimum wage is $6 per hour.

27. Work permit exemptions are granted by the territorial Government on the basis of enrolment in the school system (entrance at the primary level and completion at the secondary level), marriage to a belonger for a period of no less than three years or residency in the Territory of the British Virgin Islands for 20 years or more by a person who has demonstrated good character. According to the administering Power, the number of exemptions granted is considered on an annual basis. On 8 January 2017, the Immigration Department of the territorial Government announced that a multi-year entry permit would be granted to eligible individuals. Government-contracted employees, employees of statutory bodies and persons who have been granted an indefinite work permit exemption and have lived in the Territory consistently for five years or more would be eligible for a multi-year entry permit. The multi-year entry permit would be granted in three-year intervals, as opposed to an annual permit, and would be given after the expiry date of the individual's present entry permit.

## B. Education

28. The education system in the Territory is guided by the Education Act 2004 and its amendments, including the Education (Amendment) Act 2014. The regulations contained therein are expected to provide guidance to the education system and its stakeholders regarding the implementation of programmes and services, the monitoring of the delivery of education programmes operated under the Act and the conduct of school supervision, including complaint investigations requested by the public.

29. Prior to Hurricane Irma and Hurricane Maria, the Territory had 14 public primary schools and 4 public secondary schools, in addition to 1 public pre-primary school and 1 public special education learning centre. There are also a number of private primary and secondary schools. Of the 20 State schools in the Territory, 9 opened to provide limited educational services on 6 November 2017. The rest were badly damaged and will have to be rebuilt. Some schools have been temporarily housed in tents.

30. Primary and secondary education is free and compulsory for children aged 5 through 17. Tertiary education is offered for free to Virgin Islanders at the local

community college (H. L. Stoutt Community College), which has campuses on Tortola and Virgin Gorda islands. The college also collaborates with several universities outside the Virgin Islands that offer programmes at the bachelor's degree level.

31. Students from overseas territories benefit from the home student rate for school fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. In addition, those students have access to funding provided by the European Union for higher or vocational education.

## C. Health

32. The Health Services Authority of the Territory, a statutory body, was established in 2005 to manage public health-care delivery services. The National Health Insurance, providing universal health-care coverage, was launched in September 2015 and became operational in January 2016.

33. According to information from the Pan American Health Organization, zika, chikungunya and dengue fever are health issues of concern for the Territory's health system. The first case of zika was reported in July 2016, with 22 confirmed cases as of September 2016. Chikungunya was introduced in 2014, and 47 cases have been confirmed in the Territory. The number of dengue cases spiked in 2012, but showed a significant decline in 2014 and 2015; there were 710 reported cases of dengue fever between 2010 and 2015. Malaria is not endemic, and there were no imported cases in the reporting period. Chronic, noncommunicable diseases, mainly cancer, diabetes and hypertension, contribute significantly to morbidity and mortality in adults. The prevalence of obesity, owing mainly to a sedentary lifestyle and a diet high in processed or refined foods, is one of the leading health risks for chronic conditions in the British Virgin Islands, where it primarily affects women and children. The Ministry of Health and Social Development is implementing a 10-year strategy for the prevention of chronic non-communicable diseases that relies on a multisectoral approach. No maternal deaths have been recorded in the Territory in the past 10 years. There are no training facilities so health professionals are trained elsewhere in the Caribbean, the United Kingdom and the United States. In order to fill the necessary public- and private-sector health-personnel positions, staff are recruited from the Caribbean, the United States, Canada, the Philippines and some African countries.

34. At its sixth meeting, the Overseas Territories Joint Ministerial Council welcomed the fact that the Department of Health of the United Kingdom had continued its support for and commitment, in partnership with the territories and Public Health England, to raising awareness of international health regulations and to developing the relevant capacity to respond to major public health incidents, including outbreaks. The United Kingdom and the overseas territories discussed the importance of raising awareness of and building capacity and expertise in the territories for tackling non-communicable diseases, such as obesity and mental health problems, and the impact of those challenges on the populations of the territories. They committed themselves to working together on those important issues so as to share best practices and resources on preventive approaches and the ways in which they could be adapted to respond to local needs.

## D. Crime and public safety

35. According to the administering Power, crime in the British Virgin Islands has fallen since 2012, with burglaries decreasing by 50 per cent in the first quarter of 2016, compared with the same period in 2015.

36. In 2017, the United Kingdom continued to provide funding for a law enforcement adviser based in Miami, United States of America, who coordinated, managed and facilitated training and the provision of strategic advice in order to introduce new techniques and skills to the Territory's law enforcement agencies. Furthermore, RFA *Mounts Bay* has been stationed in the Caribbean since January 2017, as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom and providing humanitarian assistance, disaster relief and crisis communications support in the region. The ship also worked with other regional navies and coast guards to combat illegal activities on the high seas. RFA *Mounts Bay* and HMS *Ocean* provided vital humanitarian relief to the region, in particular to the three Territories — Anguilla, the British Virgin Islands and the Turks and Caicos Islands — affected by Hurricane Irma and Hurricane Maria, in September.

## E. Human rights

37. Major international and European human rights conventions have been extended to the British Virgin Islands. Chapter 2 of the 2007 Constitution enshrines fundamental rights and freedoms of the individual and provides for the establishment by law of a human rights commission.

38. The National Gender Policy and Plan (2013) complements the Domestic Violence Protocol, which was approved by the Cabinet in November 2010. The Domestic Violence Act (2011), which took effect on 31 October 2012, broadens the definition of domestic violence to include economic abuse, intimidation, harassment, stalking and damage to and destruction of property, while offering protection to persons in visiting relationships. The Partnership for Peace is a 16-week court-connected violence prevention, psycho-educational programme for men who are abusive towards women. In October 2011, the Cabinet approved the After-Support Programme for men who have completed the Partnership for Peace Programme.

39. At the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the leaders of the overseas territories discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories. In the communiqué adopted at that meeting, they welcomed the constructive engagement of the territories in the preparations for the universal periodic review process of the Human Rights Council in that regard. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and promotion of children's welfare in the territories. At the meeting, the United Kingdom and the overseas territories discussed progress made in promoting interagency cooperation in the territories and the development of national response plans to define policy priorities, noted the particular challenges for those territories affected by the recent hurricanes and agreed that children's welfare should remain a central priority for recovery plans, including through the reconstruction of schools. In addition, they welcomed progress made under a memorandum of understanding to promote more

effective collaboration between the overseas territories for the safeguarding of children.

## V. Environment

40. The British Virgin Islands has acceded to several multilateral environmental agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity and the Convention on Wetlands. According to the administering Power, since 2015, the Territory has been actively involved in global initiatives and specific projects on climate change adaptation, including the passage of the 2015 Climate Change Trust Fund Act, and in sustainable land management in partnership with the European Union and the Organization of Eastern Caribbean States.

41. In 2014, the territorial Government passed legislation to establish a permanent shark sanctuary in its territorial waters and prohibit commercial fishing of all shark and ray species throughout those waters. According to the Government, there are approximately 51 designated protected areas in the current system of protected areas, including national and marine parks, fisheries protected areas, a forestry reserve (Sage Mountain National Park) and water areas. Depending on their designation, protected areas are currently managed by the National Parks Trust, Conservation and Fisheries Department or the Department of Agriculture.

42. According to the Pan American Health Organization, the management of solid waste is a critical issue in the British Virgin Islands. The Territory has little land available for landfill use, and the situation is aggravated by the British Virgin Island's rolling terrain, which makes it difficult and expensive to engineer landfills. The Territory has experienced a three-fold increase in waste volume in the last decade; waste is either dumped or incinerated, and there are no recycling facilities currently in place. Waste disposal is mainly handled through incineration at the Pockwood Pond incinerator on Tortola, which has a 100 ton/day capacity, with additional landfills on the main islands of Tortola, Virgin Gorda and Anegada.

43. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Governments of the United Kingdom and the overseas territories recognized that the destruction wrought by Hurricane Irma and Hurricane Maria had served as a reminder of the vulnerability of the overseas territories to climate change-related events and the devastating effect that they could have on the lives and livelihoods of those who lived there. They committed themselves to continuing the practice of mutual engagement ahead of international forums on climate change, to ensure that the views and priorities of the overseas territories were fully reflected in negotiations. It was agreed that a representative from the territories would attend the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in Katowice, Poland, from 3 to 14 December 2018, as part of the delegation of the United Kingdom, highlighting the value of their presence in helping to amplify the shared message of the need for a high degree of ambition on climate change-related targets. The United Kingdom reiterated its commitment to working with the overseas territories on the issue of extending the application of treaties concerning climate change to the territories, including taking forward the work to extend its ratification of the Doha Amendment to the Kyoto Protocol to those territories that had indicated their readiness for it, through initial consultation with territories that had an interest in participating in meetings concerning the Paris Agreement to be held in the first half

of 2018. The importance of work in the territories on climate change adaptation and mitigation and collaboration between the territories to share best practices on environmental management and climate change issues, including through the annual meetings of ministers of the environment of the territories, was emphasized.

## VI. Relations with international organizations and partners

44. The British Virgin Islands has associate membership in the Economic Commission for Latin America and the Caribbean, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization.

45. The Territory is an associate member of the Caribbean Community, and the Organization of Eastern Caribbean States and is a borrowing member of the Caribbean Development Bank.

46. The Territory participates annually in meetings of the Inter-Virgin Islands Council between the British Virgin Islands and the United States Virgin Islands, with a view to addressing mutual interests and challenges and fostering and promoting cooperation between the two Territories. Topics addressed in the meetings include law enforcement, pleasure boating and sport fishing, other maritime matters, cooperation in tourism, energy and utilities and culture and education.

47. According to the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the United Kingdom and the overseas territories continued their dialogue on the implications for the latter of the decision by the United Kingdom to leave the European Union (known as "Brexit"). In addition, it was indicated that a clear objective of the exit negotiations was to achieve an agreement that worked for all parts of the United Kingdom family, and the United Kingdom affirmed that it would seek to ensure that the security and economic sustainability of the overseas territories was preserved and, where possible, strengthened post-"Brexit".

## VII. Future status of the Territory

### A. Position of the territorial Government

48. The position of the territorial Government regarding the future status of the British Virgin Islands is reflected under section I above.

### B. Position of the administering Power

49. At the 8th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 9 October 2017, during the seventy-second session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. He said that the territories were an integral part of global Britain and the United Kingdom's commitment to its territories' security and prosperity remained strong, as demonstrated by the swift and

comprehensive response to the devastation wreaked in some territories by Hurricane Irma, and the ongoing recovery efforts.

50. The representative of the United Kingdom went on to say that the Joint Ministerial Council was the primary forum for high-level political dialogue between the United Kingdom and the overseas territories. As the United Kingdom negotiated to leave the European Union, it was fully committed to taking into account the priorities of the overseas territories, including Gibraltar. The United Kingdom-Overseas Territories Joint Ministerial Council on European Union Negotiations had been established to discuss the priorities of the territories and determine further areas for collective engagement. He added that the fundamental responsibility of the Government of the United Kingdom, under international law and the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples.

51. In the communiqué adopted at the sixth meeting of the Overseas Territories Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories indicated that the principle of equal rights and self-determination of peoples, as enshrined in the Charter, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to exploring the ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations who wished it, the United Kingdom would continue to support their requests for removal from the list of Non-Self-Governing Territories. The Government of the United Kingdom and the leaders of the overseas territories agreed that the fundamental structure of their constitutional relationships had been the right one — powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities. They also agreed upon the need to continue their engagement on those issues to ensure that constitutional arrangements worked and were developed effectively to promote the best interests of the territories and of the United Kingdom.

## VIII. Action taken by the General Assembly

52. On 7 December 2017, the General Assembly adopted resolution 72/99 without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 (A/72/23) and the subsequent recommendation by the Fourth Committee. In that resolution, the General Assembly:

(a) Reaffirmed the inalienable right of the people of the British Virgin Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of the British Virgin Islands, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of the British Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Recalled the 2007 Constitution of the British Virgin Islands, and stressed the importance of continued discussions on constitutional matters, to accord greater responsibility to the territorial Government for the effective implementation of the Constitution and increased levels of education relating to constitutional matters;

(e) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(g) Encouraged the Territory to continue to participate in the activities of the Special Committee, including regional seminars;

(h) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of the British Virgin Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the British Virgin Islands and the administering Power;

(i) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the British Virgin Islands, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

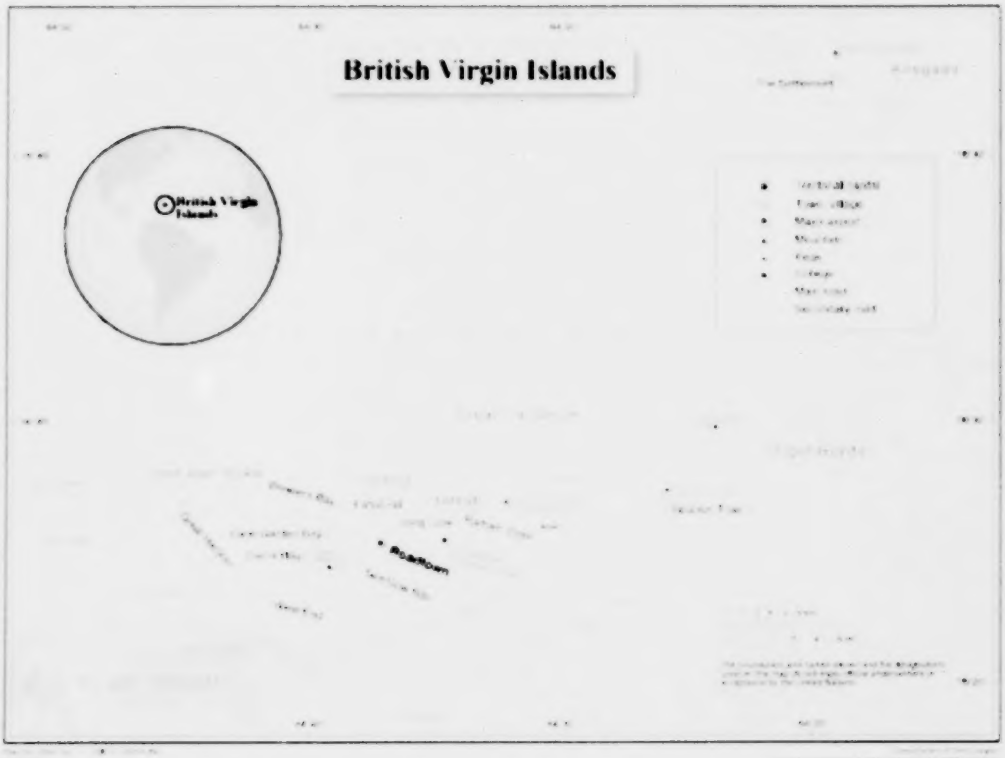
(j) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(k) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful

and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of the British Virgin Islands and to report thereon to the General Assembly at its seventy-third session and on the implementation of the resolution.


British Virgin Islands